

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

MICHAEL LEWIS WEST,

Plaintiff,

v.

CIVIL ACTION NO. 2:15-cv-11551

CAROLYN W. COLVIN,
Acting Commissioner of Social Security,

Defendant.

MEMORANDUM OPINION AND ORDER

Pending before the Court is Defendant's Motion for Remand. (ECF No. 11.) By Standing Order filed in this case on July 29, 2015, this action was referred to United States Magistrate Judge Dwane L. Tinsley for submission of proposed findings and recommendations for disposition. (ECF No. 4.) On June 27, 2016, Magistrate Judge Tinsley filed proposed findings and recommendations for disposition (the "PF&R"), in which he recommends that the Court grant the Motion for Remand, remand this case for further proceedings pursuant to the fourth sentence of 42 U.S.C. § 405(g), and dismiss this matter from the Court's docket. (ECF No. 13.)

The Court is not required to review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of de novo review and the parties' right to appeal this Court's order. 28 U.S.C. § 636(b)(1); *see also Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984).

Objections to the PF&R in this case were due by July 14, 2016. (*See* ECF No. 13 at 2.) To date, no objections have been filed.

Accordingly, the Court **ADOPTS** the PF&R, (ECF No. 13), **GRANTS** Defendant's Motion for Remand, (ECF No. 11), **REMANDS** this case for further proceedings pursuant to the fourth sentence of 42 U.S.C. § 405(g), **DISMISSES** this case, and **DIRECTS** the Clerk to remove this matter from the Court's docket.

IT IS SO ORDERED.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: July 27, 2016



THOMAS E. JOHNSTON
UNITED STATES DISTRICT JUDGE